

Executive Overview

Overall, we found the Airlines were making progress toward meeting their Customer Service Commitment and that the Commitment has been a plus for air travelers on a number of important fronts. The voluntary Commitment to customer service and the circumstances under which it was entered into are noteworthy because, based on our observations, it prompted the Airlines to take the matter of improving customer service more seriously. Also, the Airlines generally were responsive to suggestions made in our Interim Report. But, the Airlines, airports, the Federal Aviation Administration (FAA) and, most important, the traveling public know the aviation system is not working well—the road ahead is long, and aggressive progress will be required by the Airlines, airports, and FAA if consumer confidence is to be restored.

Notwithstanding progress by the Airlines toward meeting their Customer Service Commitment, we continue to find significant shortfalls in reliable and timely communication with passengers by the Airlines about flight delays and cancellations. Further, we find the Airlines' Commitment does not directly address the most deep-seated, underlying cause of customer dissatisfaction—flight delays and cancellations, and what the Airlines plan to do about them in the areas under their control in the immediate term. Action by the Airlines to reduce flight delays and cancellations is critical because major improvements in providing capacity to meet demand, such as new runways and the fielding of new air traffic control capacity enhancing technology, are not going to be in place for at least the next several years. Spring/summer 2001, when the next major crunch in air travel is likely to occur, is just around the corner.

Provisions for quoting lowest fare, holding nonrefundable reservations, timely responses to complaints, and higher pay-outs for lost baggage. In general, we found the areas where the provisions of the Commitment were working well and where the greatest progress was being made were not directly or necessarily associated with whether a flight is delayed or canceled. These areas were: quoting the lowest fare (compliance between 88 and 100 percent of the time for a fixed itinerary); holding nonrefundable reservations without penalty (compliance between 88 and 100 percent); timely responses to complaints (compliance between 61 to 100 percent, with 13 Airlines between 93 and 100 percent compliant); and larger pay-outs for lost luggage. Over the past year, we also have seen air carriers competing on the basis of customer service through such steps as more legroom between seats, size of overhead baggage compartments, and deployment of portable passenger check-in stations to reduce long lines—measures that go beyond actions required by the Commitment.

Provisions regarding fairness and consistency in “bumping” practices, and prompt refunds for tickets. Regarding the provision for fairness and consistency in bumping practices on flights that are oversold, we found a need for improvement. Among other things, the rules about who gets bumped first varied among the Airlines, and the compensation limit for those who are involuntarily bumped is inadequate and has not been changed since 1978. In fact, we found that passengers who volunteer to be bumped stand a good chance of receiving greater compensation than passengers who are involuntarily bumped. As for the provision in the Commitment to provide prompt ticket refunds, which refers to Federal regulations in place for over 17 years, our tests at five Airlines showed excellent performance. However, four Airlines and two non-ATA airlines were clearly deficient in this area and need to improve their processing of ticket refunds.

Provisions that trigger when there is a flight delay or cancellation. The progress made this past year is often obscured when the traveling public experiences widespread delays and cancellations. We found the customer service areas most in need of improvement are for those provisions that trigger when there are delays and cancellations. One such provision is to keep customers informed of delays and cancellations, another promises to meet customers’ “essential” needs during “extended” on-aircraft delays, and another commits to making reasonable efforts to return delayed or mishandled checked baggage within 24 hours.

The evidence shows significant investment and progress by the Airlines toward meeting these commitments, and improvement is evident since our Interim Report. Still, there are persistent problems. We frequently found, among other matters, untimely, incomplete, or unreliable reports to passengers about flight status, delays and cancellations as follows.

- In 21 percent of our observations of nearly 550 flight delays nationwide, the flight information display system showed the flight as on time when, in fact, the flight had been delayed for more than 20 minutes; timely announcements about the status of the delay were made in the gate areas 66 percent of the time; when status announcements were made, the information provided about the delay or cancellation was adequate about 57 percent of the time. Performance varied by Airline and non-ATA airline, with Hubs generally performing better than non-Hub airports.
- Baggage that did not show up with the passenger was delivered within 24 hours 58 to 91 percent of the time. Again, performance among the Airlines and non-ATA airlines varied.
- All Airlines have taken steps to accommodate passengers’ “essential” needs during “extended” on-aircraft delays. However, we found that the Airlines

differ in what qualifies as “extended.” The trigger thresholds for this provision vary from 45 minutes to 3 hours. We think it is unlikely that a passenger’s definition of an “extended” on-aircraft delay will vary depending upon which air carrier they are flying.

We also found that the provisions within the Commitment do not directly address the root causes of customer dissatisfaction: extensive flight delays, flight cancellations, and baggage not showing up with the passenger. Since air travelers in 2000 stood a greater than 1 in 4 chance of their flight being delayed, canceled, or diverted, we believe the Airlines should go further and address steps they are taking on matters within their control to reduce over-scheduling, the number of chronically late or canceled flights, and the amount of checked baggage that does not show up with the passenger upon arrival.

According to the Bureau of Transportation Statistics (BTS), chronically delayed and/or canceled flights are those *regularly scheduled flights*⁶ that, at least 80 percent of the time, arrived at least 15 minutes later than scheduled and/or were canceled during a *single calendar month*. For example, according to BTS data, in December 2000, one Airline’s flight with daily non-stop service between Chicago and Miami was delayed and/or canceled 27 of the 31 days it was scheduled to operate. In this case, the flight was delayed and/or canceled 87 percent of the time. Our analysis of BTS data found *regularly scheduled flights* that were at least 15 minutes late and/or canceled 80 percent of the time increased from 8,348 to 40,868 (390 percent) between 1999 and 2000.⁷

Using BTS data, we increased the amount of arrival delay to 30 minutes or more and identified all *scheduled flights* that, when grouped by individual flight number, were delayed and/or canceled at least 40 percent of the time during a single calendar month. Overall, for calendar year 2000, we identified over 240,000 *regularly scheduled flights* that met our criteria (representing over 10,300 individual flight numbers affecting approximately 25 million passengers). Currently, the Airlines are required to disclose on-time performance only upon request from the customer. Passengers should not have to ask when making a reservation if the flight is chronically delayed or canceled 40 percent of the time or more; the Airlines should notify the passenger of this information without being asked.

Airline mitigation measures in the above areas will not solve the delay and cancellation problem since it is caused by multiple factors, some outside the

⁶ A regularly scheduled flight is a flight segment representing a city-pair (e.g., Chicago to Miami).

⁷ Our intent is not to attribute the cause of the delays or cancellations associated with these flights to the Airlines, but to highlight the extent to which such flights are occurring.

airlines' control, but the airlines should be doing their part. For both the short and long term, the Airlines' Commitment to customer service must be combined with comprehensive action to increase system capacity to meet demand. FAA's efforts to modernize air traffic control through new technology, satellite navigation at airports, airspace redesign and, importantly, new runways will be central elements in any successful effort to add capacity and avoid gridlock.

Contract of Carriage. In our Interim Report, we noted that the Airlines' Commitment, while conveying promises of customer service, was not necessarily legally enforceable by consumers unless these protections were also incorporated into an Airline's contract of carriage, which is a binding and legally enforceable contract. In fact, one Airline explicitly said as much in its Plan. We recommended that the Airlines ensure that their contracts of carriage are changed to fully reflect the benefits afforded by their Plans and the Airlines' Commitment to customer service. Our review of the 14 Airlines' contracts of carriage showed that all of the Airlines responded to this recommendation to some degree. For example:

- Three of the 14 Airlines incorporated the entire text of their Plans into their contracts of carriage.
- Eleven of the 14 Airlines incorporated the Commitment provision to inform the customer of delays, cancellations, and diversions into their contracts of carriage.
- Eleven of the 14 Airlines incorporated the Commitment provision for quoting the lowest fare; 12 Airlines incorporated the provisions for holding a nonrefundable reservation for 24 hours and for returning misrouted or delayed baggage within 24 hours; and all Airlines incorporated the baggage liability limit increase, which is required by Federal regulation.
- Eight of the 14 Airlines incorporated the Commitment provision to meet customers' essential needs during extended on-aircraft delays.

There were differences among the Airlines in exactly what they decided to incorporate, and we found instances where the contract of carriage placed limits on what appeared to be a more expansive provision in the Plan. For example, one Airline limited the provision to quote the lowest fare to only domestic travel whereas the others did not. Another Airline limited its baggage return provision to passengers not traveling on a reduced rate ticket. The Airlines also varied in what their contracts of carriage said about accommodating "essential" needs during "extended" on-aircraft delays, including the definition of what constituted an "extended" delay.

An area of particular concern is when an Airline will provide overnight accommodations occasioned by a delay or cancellation. Most of the Plans said generally that overnight accommodations would be provided if the passenger was required to stay overnight due to a delay or cancellation caused by the Airline's operations (as defined by the Airline). However, the contract of carriage for seven Airlines appeared to limit this to situations such as when a flight was diverted to an unscheduled destination or a flight delay exceeded 4 hours between the hours of 10:00 p.m. and 6:00 a.m. The circumstances in which overnight accommodations will be provided needs clarity so that passengers will know what to expect.

Consumer Protection by the Department of Transportation. Oversight and enforcement of consumer protection and unfair competition laws and regulations are the responsibility of the DOT. We found the resources available to the Department to carry out these responsibilities to the traveling public are seriously inadequate—so much so that they had declined at the very time consumer complaints quadrupled and increased to record levels—from roughly 6,000 in 1995 to over 23,000 in 2000. Nearly 20 staff are assigned these functions today, down from 40 in 1985. Until this situation is changed, the responsible DOT office will not be able to satisfactorily discharge its consumer protection responsibilities, including the duties assigned to it for investigating complaints involving disabled airline passengers.

Recommendations. As directed by law, we are making recommendations for improving accountability, enforcement, and the consumer protections afforded commercial air passengers where we found room for improvement or the need for corrective action. These recommendations begin on page 40 of this report.